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C O N F I D E N T I A L SECTION 01 OF 02 NAIROBI 000050

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SUBJECT: SOMALIA - TFG-ARS WORKING GROUP SKETCHES PATH TO PRESIDENTIAL ELECTIONS

REF: 1/8/9 SWAN - YATES E-MAIL

Classified By: Somalia Unit Counselor Bob Patterson. Reasons: 1.4 (b, d).

¶1. (C) Summary: The Transitional Federal Government (TFG) - Alliance for the Re-liberation of Somalia (ARS) working group suggested by the November 25 Djibouti communique began work under UNPOS auspices in Nairobi the week of January 5, and appears to have quickly reached a decision to create a unity government and elect a new president by January 26. Although the TFG - ARS working group deliberations have been harmonious enough, not all parliamentarians accept the ambitious timetable, or elements of the November 25 Djibouti communique, particularly the expansion of Parliament. Nor is it clear that all of the clans that would have to be represented by new MPs in the expanded Parliament that would be created under a unity government have been fully consulted. Still, the TFG Prime Minister and the ARS Chairman have endorsed the plan, and the UN's Special Representative is traveling to Addis Ababa in an effort to ensure GoE acceptance. End summary.

The Timetable

¶2. (C) The TFG - ARS working group that the November 25 Djibouti communique suggested should negotiate the shape of a unity government began formal meetings at UNPOS in Nairobi the week of January 5. In a January 8 meeting, the ten TFG/ARS representatives, all drawn from the High-Level Committee, confirmed to us the ambitious timetable sketched in ref e-mail:

1/10: High-level delegations begin work January 10 in Djibouti. (The High-Level Committee will act as a preparatory committee for the expansion of Parliament and creation of a unity government.)
1/14-15: Djibouti High-Level Committee meeting.
1/16: TFG MPs convene in Djibouti to amend Transitional Federal Charter.
1/20: Latest date by which ARS convenes its MP-nominees in Djibouti. (Selection of ARS MPs will be on the basis of justice and clan balance. The ARS Secretary General will give final approval to the list. The 75 slots reserved in the November 25 communique for the business community and civil society will remain vacant.)
1/21: Expanded Parliament sworn in. Other amendments to Charter adopted by expanded Parliament after swearing in.
1/22: Speaker elected.
1/24-25: Presidential candidates address Parliament.
1/26: President elected. (The election of a president will occur even if Parliament not expanded.)

¶3. (C) The January 20 entry (above) agreed by the working

group appears to sidestep the 4.5 principle that has governed much of the rest of the work on transitional structures. ARS working group members have told us that they cannot use "4.5," as it will alienate their supporters. It is unclear if the "on the basis of justice and clan balance" formulation will satisfy all clan participants.

Why Djibouti?

¶4. (C) The working group members told us that they had settled on Djibouti as venue because Baidoa, even if reinforced with additional ENDF troops, remained too dangerous. The MPs currently in Nairobi, Mogadishu, and Puntland would not return for the votes, they feared. The members also thought an international presence necessary to ensure the transparency of the process. ARS working group members told us separately that they could not be seen by their supporters participating in an event secured by the Ethiopians. (Note: the December 27 assassination of Deputy Minister for Reconciliation and MP Ismail Hassan Tamir and the January 1 assassination of National Reconciliation Commission member Abdullahi Abdi Egal capped a long series of hit-and-run attacks on MPs or their compounds in Baidoa and have stiffened the MPs' resistance to returning for this projected series of votes.)

¶5. (C) Although the working group members seemed convinced at our January 8 meeting that their ambitious timetable could be met, there will be obstacles along the way. A healthy minority in the Parliament, currently meeting in Nairobi, is unhappy at the prospect of awarding the ARS an equal number

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of seats. They have alleged to us that the ARS controls only two regions in Somalia, which by their calculations would entitle it to only thirty seats. They also argue that the November 25 communique agreement in principle to double the size of Parliament was negotiated without their consent and that the subsequent endorsement of that communique by Parliament in Baidoa had been rigged by Speaker Sheikh Aden "Madobe" and his allies. It is difficult to know how many MPs reject the working group's plan. Forty-one MPs possible dissenters attended a January 7 lunch hosted by the Speaker, who told Special Envoy John Yates on January 8 that he believes the TFG alone should elect an interim president while the working-group holds more thorough negotiations toward the creation of a unity government.

¶6. (C) SRSG Ould-Abdallah confirmed to S/E Yates January 9 that the working group members were confident that they could meet the deadlines. The SRSG assured S/E Yates that, even if efforts to elect a unity president failed, he would ensure that a TFG president was elected within the one month deadline established by the Transitional Charter. (Note: that assurance is in parentheses in the January 26 entry, above, but we are told that it was verbally agreed, but not included in the timetable signed by TFG Working Group Chairman Abdallah Boss Ahmed and ARS Chairwoman Fawzia Mohammed Sheikh Hassan.) The SRSG is flying to Addis Ababa January 9 in order to gauge the reaction of the GoE to the accelerated timetable.

Comment

¶7. (C) It is impossible to tell at this juncture if the working group's optimism about its timetable, and the Prime Minister and ARS Chairman's willingness to endorse it, spell success for this effort. The parties to this agreement believe that it is important to capitalize on the positive atmosphere created by the possible withdrawal of ENDF troops, recent al-Shabaab setbacks, and the end of intra-TFG feuding in creating a unity government. Acting quickly, they believe, also prevents the warlords and other "spoilers," some of whom set their sights on the presidency, from

bolstering their own constituencies, and attempting to put a stick in the spokes of the process. The agreement to elect a president, even if just a TFG head-of-state, by January 26 appears to provide the effort with the safety net that it needs if the Djibouti Process is to remain on track in the event that the unity government negotiations do not bear fruit.

RANNEBERGER